

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

**In the Matter of: BERTHAN MACAULAY**

FAA Order No. 2004-2

Docket No. CP02SO0029  
DMS No. FAA-2002-12591

Served: April 16, 2004

**ORDER DISMISSING APPEAL**

Respondent Berthan Macaulay filed a notice of appeal from the written order assessing civil penalty issued by Administrative Law Burton S. Kolko on February 6, 2003. Respondent was required to perfect his appeal by filing an appeal brief. 14 C.F.R. § 13.233(c). The Administrator granted Respondent's request for an extension of time in which to file his appeal brief. In FAA Order No. 2003-5, the Administrator extended the due date for Respondent's appeal brief until June 2, 2003. Respondent, however, has neither filed an appeal brief nor sought a further extension of time. Accordingly, Respondent's appeal is subject to dismissal under 14 C.F.R. § 13.233(d)(2).

*THEREFORE, IT IS ORDERED THAT:* Respondent's appeal is dismissed.

MARION C. BLAKEY, ADMINISTRATOR  
Federal Aviation Administration



VICKI S. LEEMON<sup>1</sup>  
Manager, Adjudication Branch

Issued this 16th day of April, 2004.

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<sup>1</sup> Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (*see* 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.